

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

OMAR SIDY MBACKE,

Petitioner,

v.

ROBERT JONES,

Respondent.

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1:13CV937

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on January 14, 2016 was served on the parties in this action. (ECF Nos. 19, 20.) Petitioner objected to the Recommendation. (ECF No. 21.)

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's report. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (ECF No. 14) be GRANTED, that the Petition (ECF No. 1) be DENIED, and that this action be dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 7th day of March, 2016.

/s/ Loretta C. Biggs
United States District Judge